

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PAULA M. HOGDEN,

Plaintiff,

Case No. 20-cv-1486-pp

v.

ANDREW M. SAUL,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR LEAVE TO
PROCEED WITHOUT PREPAYMENT OF THE FILING FEE (DKT. NO. 6) AND
DIRECTING PLAINTIFF TO PAY FULL FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 6.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that she has the ability to pay the filing fee. The plaintiff states that she is not employed, she is not married, and she has no dependents she is responsible for supporting. Dkt. No. 6 at 1. The plaintiff lists no income from a job or any other source. Id. at 2. The plaintiff's monthly expenses are \$500 (\$100 credit card payments, \$400 other household expenses.) Id. at 2-3. The plaintiff owns a

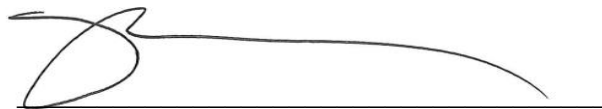
2005 Honda Pilot worth approximately \$2,500, she does not own her home, she has approximately \$10,000 in cash on hand or in a checking or savings account, and she has a 401K worth approximately \$43,000. Id. at 3-4. The plaintiff states, “[t]he only spending money I currently have is coming from cashing out portions of my 401K. I am also living with family while dealing with my financial hardship.” Id. at 4. Because the plaintiff’s monthly expenses are relatively low and because she appears to have a fairly substantial amount of cash available, the court determines that she has the disposable income to pay the \$350 filing fee and \$50 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES WITHOUT PREJUDICE** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 6. The court **ORDERS** that the plaintiff shall pay the \$350 filing fee and \$50 administrative fee by the end of the day on **October 22, 2020**. If the court does not receive the fee in full by the end of the day on October 22, 2020, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 1st day of October, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge